

## REMARKS

### ***35 USC § 101***

Claims 22 and 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

### ***35 USC § 103***

Claims 1-2, 4, 6-7, 9, 16, 22-25, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long et al. (US 2002/0095439, filed 20 February 1998, hereafter Long) and further in view of Kuchta (US 5,805,777, patented 8 September 1998).

Claims 5, 8, 10-12, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long and Kuchta and further in view of Rzepkowski et al. (US 6,741,270, filed 19 January 2000, hereafter Rzepkowski).

Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long and Kuchta and further in view of Arledge, Jr. et al. (US 6,535,294, filed 23 June 1998, hereafter Arledge).

Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long and Kuchta and further in view of Bolnick et al. (US 6,043,817, filed 30 September 1997, hereafter Bolnick).

The Examiner in the Official Action rejected claims 22 and 27 under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Now Applicant respectfully submits that the claims as previously set forth do provide the necessary functional relationship, the claims have been amended to make it clear that the computer software product is provided on a computer useable media having executable code such when loaded onto a computer causes the computer to perform the steps recited therein. In particular, the steps include grouping a plurality of digital images into a plurality of different page layouts. Thus, there is at least one step here that causes an interaction with regard to digitally stored images in providing these images into a particular number of page layouts. The claims further go on to state arranging the images to be in a non-overlapping on a page layout; scaling the images that fit on the page layout and determining the amount of white space on the page layout. Steps further include selecting a page layout having a minimal amount of white space from some plurality of different page layouts. Thus, it can be clearly seen that the

program provides a number of functional steps including the grouping into a number of different page layouts and selecting an appropriate page layout having a minimal amount of white space. Clearly the claims are not directed to mere compilization of information, but a manipulation of images to arrive at particular page layouts. Accordingly, it is respectfully submitted that these claims meet the requirements of 35 U.S.C. 101.

The Examiner has also again rejected the claims under 35 U.S.C. 103(a) as being unpatentable over Long, et al, in view of Kuchta for the reasons set forth in paragraph 5. Applicant respectfully submits that the claims are patentably distinct for the reasons set forth in Applicant's Brief previously filed and hereby incorporates the arguments set forth therein.

The Examiner argues that it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention since it would have allowed a user to fit a larger number of non-overlapping images on a single page for printing. Applicant would like to point out that the present invention is not simply directed to providing a larger number of images, but creating an appropriate page layout of non-overlapping images. The scaling of the images is within the page layout, whereas Kuchta is directed simply to fitting of the entire page to the printer. In other words, printing to fit the page; that is not the same as adjusting and sizing the individual images within the page layout. Again, Applicant respectfully referred to the Applicant's arguments in the Appeal Brief, in particular, page 7. The Examiner acknowledges that Long fails to specifically disclose selecting the layout having minimal white space. However, goes on to say that it is notoriously well known in the art that at the time of the Applicant's invention, that it is advantageous to minimize white space on a page thereby reducing the amount of wasted space. Thus, it would have been obvious to one ordinary skilled in the art at the time of Applicant's invention to combine Long with the well known idea of minimized white space since it would have been allowed a user to reduce the amount of wasted space. First of all Applicant respectfully submits that it is always possible to pick and find individual elements in the prior art. However, that is only a part of the present invention, as the present invention requires a number of steps which include grouping of the plurality of images into different page layouts and arranging the images to be non-overlapping on a page, scaling of the images to fit on the page, determining the

amount of white space on the page layouts and selecting a page layout having a minimal amount of white space from the plurality of different page layouts. Thus, there are a lot of steps that are happening in the present invention; wherein determining the amount of white space is just one of the elements. Furthermore, there is no teaching or suggestion in the art as to why minimizing of white space would be appropriate input in the claimed present invention. It is not always desirable to minimize the amount of white space on a page. There may be definitive reasons not to have white space. The idea of providing minimal amount of white space on a page is dependent upon the goals of a user. There is nothing in the art that states that it is the goal of all printing to provide a minimal amount of white space. In the fact that in certain situations that it may be desirable to provide a minimal amount of white space does not make the combination obvious. Further, as previously discussed, the Kuchta reference is directed to fitting the entire page layout to the printed page and not to minimize the amount of space within the page layout as taught and claimed by Applicant. The Examiner has also rejected the claims on third, fourth and fifth cited references. However, these are all directed to dependent claims which Applicant has pointed out as being patentably distinct over the Long and Kuchta references.

In view of the foregoing, it is respectfully submitted that the claims in the present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Frank Pincelli', written over a horizontal line.

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